

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31

Sacramento, CA 95814

(916) 445-7964

March 16, 1981



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ALL-COUNTY INFORMATION NOTICE I-33-81

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL DEPARTMENT OF SOCIAL SERVICES DISTRICT OFFICES

SUBJECT: Adoption Resource and Referral Center Children's Album

REFERENCE:

This is to inform you of the distribution of the ARRC Children's Album to incorporated adoptive parent groups in California. This distribution of the album was one of the recommendations made by the committee, composed of adoption agency and parent group representatives, which recently studied the ARRC Program. The purpose of the distribution is to assist in the recruitment of adoptive homes by these groups and thereby facilitate the placement of children waiting for permanent homes.

The album will be sent upon request of the group and the receipt of their signed agreement regarding the use of the album. Copies of material being sent to incorporated parent groups concerning album use and the agreement to be signed are attached.

If you have any questions regarding this notice, please contact Lois Schwarze at (916) 445-7964. We anticipate positive results from this joint endeavor to serve California children waiting for homes of their own.

Sincerely,

JAMES H. GOMEZ
Deputy Director

Attachment

cc: CWDA

THE ARRC CHILDREN'S ALBUM AND ITS USE BY ADOPTIVE PARENT GROUPS

The ARRC Children's Album contains personal information about some very special people who, like all other persons, have a right to respect for their individuality and a right to privacy.

In 1977, the California State Legislature passed the Information Practices Act, which added Title 1.8 to Part 4, Division 3 of the California Civil Code. In passing this Act, the Legislature expressed concern with the collection and dissemination of personal and confidential information about individuals by state agencies and the need to protect the individual's right to privacy. The Act is binding on state agencies only, and should the Act be violated, the state agency maintaining or disclosing the information is held liable. For this reason, the State Department of Social Services must be concerned with the use of the personal information in the ARRC Children's Album.

The following are sections (in whole or in part) of the Information Practices Act, adoptive parent groups will want to be aware of. These sections clarify the concern of the legislature and the responsibilities of state agencies.

Article 1. General Provisions and Legislative Findings

Sec. 1798.1 "... all individuals have a right of privacy in information pertaining to them..."

Sec. 1798.1 (a) "The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies."

Sec. 1798.1 (c) "In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits."

Among other requirements of state agencies regarding the collection and disclosure of personal information are the following:

Article 5. Agency Requirements.

Sec. 1798.14. "Each agency shall maintain in its records only personal or confidential information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government."

Sec. 1798.20. "Each agency shall establish rules of conduct for persons involved in the design, development, operation, disclosure, or maintenance of records containing personal or confidential information and instruct each such person with respect to such rules and the requirements of this chapter, including any other rules and procedures adopted pursuant to this chapter and the remedies and penalties for noncompliance."

Sec. 1798.21. "Each agency shall establish appropriate and reasonable administrative, technical, and physical safeguards to ensure compliance with the provisions of this chapter, to ensure the security and confidentiality of records, and to protect against anticipated threats or hazards to their security or integrity which could result in any injury."

Sec. 1798.24. "No agency may disclose any personal or confidential information unless the disclosure of such information is..."
 (e) "To a person, or to another agency where the transfer is necessary for the transferee agency to perform its constitutional or statutory duties, and such use is compatible with a purpose for which the information was collected..."

The purpose of the Adoption Resource and Referral Center Program (which includes the Children's Album) as stated in Title 22, Division 2, Section 30675 of the California Administrative Code is to broaden the opportunities for adoptive placement. The use of the Album by adoptive parent groups must be in keeping with this purpose for the State Department of Social Services to be in compliance with the Information Practices Act. For this reason, the Department asks that use of the Album be on a personal basis--that is, the adoptive parent group member(s) have control of the album and its information. If the album material leaves the possession and control of the parent group member(s), control of how the information is used is lost. No assurance can thus be given that the information is used solely for the purpose of broadening adoptive placement opportunities. The Department is then not in compliance with the Information Practices Act and is liable to civil action and possible penalties. For this reason we also ask that no album material be reproduced unless written consent is obtained from the adoption agency responsible for the child. It is difficult to control use of the information once reproduced for broader distribution. (The statement on ARRC album pages that the information about a child may be used for publicity applies to adoption agencies only.)

Articles 9 and 10 of the Information Practices Act describe civil remedies that may be taken and penalties which may be levied when a state agency, among other things, fails to comply with the Act.

Sec. 1798.45. "An individual may bring a civil action against an agency whenever such agency does any of the following:..." (c) "Fails to comply with any other provision of this chapter, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual."

Sec. 1798.47. "Any agency that fails to comply with any provision of this chapter may be enjoined by any court of competent jurisdiction. The court may make such order or judgment as may be necessary to prevent the use or employment by an agency of any practices which violate this chapter."

Sec. 1798.53. "...In any successful action brought under this section, the complainant, in addition to any special or general damages awarded, shall be awarded a minimum of two thousand five hundred dollars (\$2,500) in exemplary damages as well as attorney's fees and other litigation costs reasonably incurred in the suit."

The Department does not anticipate any problems with the use of the Album by adoptive parent groups. However, we are obligated to bring to your attention that the adoptive parent group would be financially responsible if their misuse of the Album caused any penalty to be levied against the Department.

THE ROLE OF THE ADOPTIVE PARENT GROUP DESIGNATED REPRESENTATIVE
FOR THE ARRC CHILDREN'S ALBUM

The adoptive parent group representative acts as a liaison between the group and the adoption agency or Department of Social Services District Office responsible for the child appearing in the album and between the group and the Department of Social Services Central Office Adoptions Branch.

The representative:

 Informs the Department Central Office Adoptions Branch of the name and address and telephone number of the representative and reports any change of representative.

 Ensures that the album is current and that pages no longer in use are destroyed.

 Handles all inquiries about the children in the album that arise as a result of use by the parent group by contacting the appropriate agency and providing information received from the agency to the inquirer(s).

 Directs persons asking questions pertaining to adoptions in general to the appropriate resource (local adoption agency or State Department of Social Services) if the representative cannot help the inquirer.

DEPARTMENT OF SOCIAL SERVICES
ADOPTION RESOURCE AND REFERRAL CENTER PHOTO ALBUM

This Agreement is entered into by and between the Department of Social Services, hereinafter referred to as "Department" and

Name of Incorporated Parent Group

hereinafter referred to as "Parent Group" on the distribution and use of the Adoption Resource and Referral Center (ARRC) Children's Album.

The purpose of the distribution of the ARRC album is to promote the finding of adoptive homes for children who are in the care of California licensed adoption agencies and in need of placement in a permanent adoptive home.

1. Department shall supply the following to Parent Group:
 - A. Current ARRC Children's Album.
 - B. Additional photographic inserts of children available for adoption.
 - C. Notices of discontinuance of children no longer available for adoption.
 - D. Additional information and instructions as necessary.
2. Parent Group shall designate a representative of the parent group who will maintain the ARRC album in current condition and handle contacts regarding the album.
3. Parent Group shall keep Department informed of the name, address and telephone number of the designated representative.
4. Parent Group shall adhere to all existing instructions and procedures and those as may be established from time to time by Department in the use of the album.
5. Parent Group shall promptly remove and destroy photographic inserts of children no longer available for adoption upon receipt of notices of discontinuance regarding such children from Department.
6. Parent Group shall permit only potential adoptive parents and parent group members to view the album, and no reproduction of any material in the album for use outside the Parent Group can be made without the written consent of the adoption agency responsible for the child involved. Parent group shall comply with all laws, regulations and department instructions on the confidentiality of album materials.
7. Parent Group shall ensure that all inquiries of Department and licensed adoption agencies regarding the album are processed through the Parent Group's designated representative.

8. The ARRC album shall remain the property of Department and may be recalled in whole or in part at any time without cause. Parent Group shall promptly comply with Department's requests to return album by mail at Parent Group's expense. Parent Group shall pay Department's attorney fees in any action to recover the album.
9. This agreement may not be assigned by Parent Group without written authorization from Department. This agreement shall be binding on the successors and assigns of all parties.
10. It is understood that no costs of this agreement are billable to Department.
11. Parent Group shall indemnify and hold harmless Department for any improper use of the album.
12. This agreement may be revoked at any time by either party upon receipt of written notice. Upon revocation of this agreement, all ARRC album materials must be returned to Department.

 *Officer, Incorporated Parent Group
 "Parent Group"

 Authorized Representative
 Department of Social Services
 "Department"

 Date

 Date

*Signature of Incorporated Parent Group Officer must be notarized.